UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,561	11/21/2001	Melody Vos	5253-03800	3520

29855   7590   08/04/2003

WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI, P.C.
20333 SH 249
SUITE 600
HOUSTON, TX   77070

EXAMINER
RONES, CHARLES

ART UNIT	PAPER NUMBER
2175	

DATE MAILED: 08/04/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

Office Action Summary	Application No. 09/991,561	Applicant(s) VOS ET AL.
	Examiner Charles L. Rones	Art Unit 2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 November 2001</u> .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-39</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-39</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Leung

et al. U.S. Patent No. 6,282,570 ('Leung').

Leung discloses:

As to claims 1, 14, and 27,

collecting statistics relating to operation of a database, wherein the database

comprises one or more database objects; See Abstract; 4:1-25; 5:21-55; 8:41-55;

10:22-54;

determining characteristics of the database objects; See Abstract; 4:1-25; 5:21-

55; 8:41-55; 10:22-54;

determining actions to be performed on the database objects based on the characteristics of the database objects; See Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54;

automatically determining a schedule for performing the actions on the database objects; See Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54;

performing the actions on the database objects based on the schedule; See Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54;

confirming the performing the actions on the database objects; See Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54; and

monitoring results of the performing the actions on the database objects; See Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54.

As to claims 2, 15, and 28,

wherein the statistics comprise object-level statistics; See Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54.

As to claims 3, 16, and 29,

wherein the statistics comprise activity-level statistics; See Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54.

As to claims 4, 17, and 30,

wherein the determining the characteristics of the database objects comprises

determining the characteristics of the database objects using the collected statistics;

See Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54.

As to claims 5, 18, and 31,

wherein the determining the characteristics of the database objects comprises

determining the characteristics of the database objects using one or more policies; See

Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54.

As to claims 7, 19, and 32,

wherein the determining the characteristics of the database objects comprises

determining the characteristics of the database objects using one or more definitions;

See Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54.

As to claims 8, 20, and 33,

a user customizing the one or more definitions; See Abstract; 4:1-25; 5:21-55;

8:41-55; 10:22-54.

As to claims 9, 21, and 34,

performing the actions on the database objects based on the schedule; See

Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54; confirming the performing the

actions on the database objects; See Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54; and

analyzing results of the performing the actions on the database objects; See Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54.

As to claims 10, 22, and 35,

reconfiguring one or more policies based on the analyzing the results of the performing the scheduled actions on the database objects; See Abstract; 4:1-55; 8:41-55; 10:22-54.

As to claims 11, 23, and 36,

wherein the determining the characteristics of the database objects comprises automatically determining the characteristics of the database objects; See Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54.

As to claims 12, 24, and 37,

wherein the determining the actions to be performed on the database objects based on the characteristics of the database objects comprises automatically determining the actions to be performed on the database objects based on the characteristics of the database objects; See Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54.

As to claims 13, 25, and 38,

wherein the performing the actions on the database objects based on the

schedule comprises automatically performing the actions on the database objects

based on the schedule; See Abstract; 4:1-25; 5:21-55; 8:41-55; 10:22-54.

As to claim 39,

wherein the performing the actions on the database objects based on the

schedule, the program instructions are further executable by the CPU to automatically

perform the actions on the database objects based on the schedule; See Abstract; 4:1-

25; 5:21-55; 8:41-55; 10:22-54.

Claims 1-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Agarwal

et al. U.S. Patent No. 6,370,522 ('Agarawal').

Agarawal discloses:

As to claims 1, 14, and 27,

collecting statistics relating to operation of a database, wherein the database

comprises one or more database objects; See 6:1-56; 7:1-8; 8:51-67; 15:54-61; 16:43-

67;

determining characteristics of the database objects; See 6:1-56; 7:1-8; 8:51-67;

15:54-61; 16:43-67;

determining actions to be performed on the database objects based on the

characteristics of the database objects; See 6:1-56; 7:1-8; 8:51-67; 15:54-61; 16:43-67;

automatically determining a schedule for performing the actions on the database

objects; See 6:1-56; 7:1-8; 8:51-67; 15:54-61; 16:43-67;

performing the actions on the database objects based on the schedule; See 6:1-

56; 7:1-8; 8:51-67; 15:54-61; 16:43-67;

confirming the performing the actions on the database objects; See 6:1-56; 7:1-8;

8:51-67; 15:54-61; 16:43-67; and

monitoring results of the performing the actions on the database objects; See

6:1-56; 7:1-8; 8:51-67; 15:54-61; 16:43-67.

As to claims 2, 15, and 28,

wherein the statistics comprise object-level statistics; See 6:1-56; 7:1-8; 8:51-67;

15:54-61; 16:43-67.

As to claims 3, 16, and 29,

wherein the statistics comprise activity-level statistics; See 6:1-56; 7:1-8; 8:51-67;

15:54-61; 16:43-67.

As to claims 4, 17, and 30,

wherein the determining the characteristics of the database objects comprises

determining the characteristics of the database objects using the collected statistics;

See 6:1-56; 7:1-8; 8:51-67; 15:54-61; 16:43-67.

As to claims 5, 18, and 31,

wherein the determining the characteristics of the database objects comprises

determining the characteristics of the database objects using one or more policies; See

6:1-56; 7:1-8; 8:51-67; 15:54-61; 16:43-67.

As to claims 7, 19, and 32,

wherein the determining the characteristics of the database objects comprises

determining the characteristics of the database objects using one or more definitions;

See 6:1-56; 7:1-8; 8:51-67; 15:54-61; 16:43-67.

As to claims 8, 20, and 33,

a user customizing the one or more definitions; See 6:1-56; 7:1-8; 8:51-67;

15:54-61; 16:43-67.

As to claims 9, 21, and 34,

> performing the actions on the database objects based on the schedule; See 6:1-56; 7:1-8; 8:51-67; 15:54-61; 16:43-67; confirming the performing the actions on the database objects; See 6:1-56; 7:1-8; 8:51-67; 15:54-61; 16:43-67; and analyzing results of the performing the actions on the database objects; See 6:1-56; 7:1-8; 8:51-67; 15:54-61; 16:43-67.

As to claims 10, 22, and 35,

reconfiguring one or more policies based on the analyzing the results of the performing the scheduled actions on the database objects; See 6:1-56; 7:1-8; 8:51-67; 15:54-61; 16:43-67.

As to claims 11, 23, and 36,

wherein the determining the characteristics of the database objects comprises automatically determining the characteristics of the database objects; See 6:1-56; 7:1-8; 8:51-67; 15:54-61; 16:43-67.

As to claims 12, 24, and 37,

wherein the determining the actions to be performed on the database objects based on the characteristics of the database objects comprises automatically determining the actions to be performed on the database objects based on the characteristics of the database objects; See 6:1-56; 7:1-8; 8:51-67; 15:54-61; 16:43-67.

As to claims 13, 25, and 38,

wherein the performing the actions on the database objects based on the

schedule comprises automatically performing the actions on the database objects

based on the schedule; See 6:1-56; 7:1-8; 8:51-67; 15:54-61; 16:43-67.

As to claim 39,

wherein the performing the actions on the database objects based on the

schedule, the program instructions are further executable by the CPU to automatically

perform the actions on the database objects based on the schedule; See 6:1-56; 7:1-8;

8:51-67; 15:54-61; 16:43-67.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Charles L. Rones whose telephone number is 703-306-

3030. The examiner can normally be reached on Monday-Thursday 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone numbers

for the organization where this application or proceeding is assigned are 703-746-7239

for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-305-

3800.

Application/Control Number: 09/991,561
Art Unit: 2175

Page 11

Charles L. Rones

Charles L. Rones
Primary Examiner
Art Unit 2175

July 30, 2003